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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,006	07/23/2003	Masanori Kawai	04995/107001	8437
7590 Jonathan P. Osha ROSENTHAL & OSHA L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010			EXAMINER STOKELY-COLLINS, JASMINE N	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/625,006

Applicant(s)

KAWAI, MASANORI

Examiner

Jasmine Stokely-Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/23/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashimizu et al (US 2005/0152686 A1) in view of Lett (US 5,592,551) and Goldstein (US 5,410,326).

Regarding claim 1, Takashimizu teaches a digital broadcast receiving and recording apparatus (figure 1) comprising:  
a receiving section (figure 1 element 300: antenna) adapted to receive a digital

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broadcast signal of a selected channel (page 1 section 0005);  
a digital data generating section adapted to generate digital data from the digital broadcast signal (pages 2-3 sections 0031-0032);  
a recording section adapted to record the digital data in a predetermined format and to sequentially output the recorded digital data (page 3 section 0038); and  
a control section (figure 1 element 409: control means).

Takashimizu does not teach a storage section adapted to store a favorite channel map indicating a favorite channel of a viewer; and  
the control section is not adapted to control the recording section to start recording the selected channel when the selected channel is included in the favorite channel map, and when the selected channel is not included in the favorite channel map and is not changed over a predetermined time from a time selected, and to generate an EPG image of the favorite channel based on the favorite channel map.

Lett teaches a storage section adapted to store a favorite channel map indicating a favorite channel of a viewer (figure 11); and  
to generate an EPG image of a favorite channel based on a favorite channel map (column 15 lines 19-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lett's favorite channel map and favorite channel EPG with the claimed invention in for the benefit of having a smaller guide that is quicker and easier for viewers (column 15 lines 27-28) to navigate.

Goldstein teaches a control section adapted to control the recording section to start recording the selected channel when the selected channel is included in the favorite channel map (column 26 lines 54-56). Goldstein storing channels which are viewed on a frequent basis in a recording cue (column 26 lines 17-25) reads on the recording section recording "when the selected channel is not included in the favorite channel map and is not changed over a predetermined time from a time selected". It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Goldstein with the claimed invention for the benefit of automatically recording a user's preferred or favored channels and programs.

Regarding claim 2, see analysis of claim 1.

Regarding claim 3, see analysis of claim 1.

Regarding claim 4, see analysis of claim 1.

Regarding claim 5, Takashimizu in view of Lett and Goldstein discloses the apparatus of claim 2. Takashimizu further teaches an output section (figure 1 element 406: video encoder) adapted to convert the digital data into analog data and to output the analog data (page 3 section 0032).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

White et al (US 6,804,825 B1) teaches automatically recording favorite programs.

Gorbatov et al (2003/0018980 A1) teaches starting and ending recording based on event identifiers.

Ukai et al (US 7,096,486 B1) teaches a broadcast receiving and recording system which determines programs to be recorded on the basis of calculated preference measures.

Yun (US 5,771,329 A) teaches a method of recording only intended programming when a channel change occurs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasmine Stokely-Collins whose telephone number is 571-270-3459. The examiner can normally be reached on M-Th 8:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jasmine Stokely-Collins

  
SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER